

**IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF WEST VIRGINIA
HUNTINGTON DIVISION**

CHRISTOPHER FAIN;
ZACHARY MARTELL; and
BRIAN MCNEMAR,
individually and on behalf of all others similarly situated,

Plaintiffs,

v.

CIVIL ACTION NO. 3:20-0740

WILLIAM CROUCH, in his official capacity as
Cabinet Secretary of the West Virginia
Department of Health and Human Resources;
CYNTHIA BEANE, in her official capacity as
Commissioner for the West Virginia Bureau for
Medical Services;
WEST VIRGINIA DEPARTMENT OF HEALTH
AND HUMAN RESOURCES, BUREAU FOR
MEDICAL SERVICES;
TED CHEATHAM, in his official capacity as
Director of the West Virginia Public Employees
Insurance Agency; and
THE HEALTH PLAN OF WEST VIRGINIA, INC.,

Defendants.

ORDER AND NOTICE

Pursuant to LR Civ P 16.1, it is **ORDERED** that the following dates are hereby fixed as the times by or on which certain events must occur:

- | | |
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| 02/02/21 | Motions under FR Civ P 12(b), together with supporting briefs, memoranda, affidavits, or other such matter in support thereof. (All motions unsupported by memoranda will be denied without prejudice pursuant to LR Civ P 7.1(a).) |
| 02/16/21 | Last day for Rule 26(f) meeting. |
| 02/22/21 | Last day to file report of Rule 26(f) meeting C See Scheduling Order Worksheet, available on the Court's website and at LR Civ P 16.1. |

- 03/08/21 Scheduling/ status conference with the Court and lead counsel at **11:30 a.m.**, unless otherwise directed. Be prepared to discuss the following:
- (a) the discovery to be completed and the amount of time necessary for its completion;
 - (b) the further formulation and simplification of issues, including possible elimination of claims or defenses;
 - (c) the possibility of entering into stipulations regarding issues for trial;
 - (d) the possibility of obtaining admissions regarding facts and documents; and
 - (e) other matters that will assist the parties in reaching a final resolution of this matter.
- 03/15/21 Entry of scheduling order.
- 03/22/21 Last day to make FR Civ P 26(a)(1) disclosures.


NOTICE

The provision of FR Civ P 14 and 15 with respect to the time in which to file third-party claims and to amend pleadings without leave of court are not affected by this Order and Notice.

Pursuant to LR Civ P 16.1 and 73.1, the parties are informed of their opportunity to consent to the exercise by a magistrate judge of civil jurisdiction over the case, including entry of judgment, as authorized by 28 U.S.C. § 636. The parties may consent by filing a Consent to Jurisdiction by a United States Magistrate Judge (FR Civ P Form 34), or by so indicating on the Report of Parties' Planning Meeting and Scheduling Order Worksheet, all of which are available on the Court's website.

The Court **DIRECTS** the Clerk to send a copy of this Order and Notice to counsel of record and any unrepresented parties.

ENTER: January 13, 2021



ROBERT C. CHAMBERS
UNITED STATES DISTRICT JUDGE